

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Antonio McCray, Karkea Jones, Antonio
McCray, Next Friend of Antonia McCray,
Jr., a minor,

Plaintiffs,

No. 09-13868

v.

Hon. Nancy G. Edmunds

City of Grosse Pointe Park, a municipal
corporation, Terry L. Hayes, John Doe 1
and John Doe 2, jointly and severally,

Defendants.

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ORDER REMANDING PLAINTIFFS' STATE LAW CLAIMS

Plaintiffs Antonio McCray, Karkea Jones, and Antonio McCray, as Next Friend of Antonia McCray, Jr., a minor, filed suit against Defendants City of Grosse Pointe Park, a municipal corporation, Terry L. Hayes, John Doe 1, and John Doe 2, jointly and severally, in the Circuit Court for the County of Wayne. Defendants filed a notice of removal to this Court on September 30, 2009. Defendants' notice for removal is timely under 28 U.S.C. § 1446.

While alleged violations of 42 U.S.C. § 1983 and the U.S. Constitution are cognizable in this Court pursuant to 28 U.S.C. § 1343, Plaintiffs' complaint also presents claims based on state law. Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Thus, pursuant to 28 U.S.C. § 1367(c), all of Plaintiffs' state law claims including, without limitation, claims of gross negligence (Count II), are hereby REMANDED to Wayne County Circuit Court.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 22, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 22, 2009, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager